

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHRYN TOWNSEND GRIFFIN, HELEN
MCDONALD, and THE ESTATE OF CHERRIGALE
TOWNSEND,

Plaintiffs,

-against-

EDWARD CHRISTOPHER SHEERAN, p/k/a ED
SHEERAN, ATLANTIC RECORDING
CORPORATION, d/b/a ATLANTIC RECORDS,
SONY/ATV MUSIC PUBLISHING, LLC, and
WARNER MUSIC GROUP CORPORATION, d/b/a
ASYLUM RECORDS

Defendants.

ECF CASE

17-cv-5221 (LLS)

**DEFENDANTS' AMENDED
PROPOSED JURY CHARGES FOR
THE LIABILITY PHASE OF TRIAL**

In accordance with Paragraph 7 of the Scheduling Order dated October 26, 2022, Defendants Edward Christopher Sheeran, Atlantic Recording Corporation and Sony Music Publishing (US) LLC (f/k/a Sony/ATV Music Publishing LLC) submitted their Proposed Jury Charges for the liability phase of trial on March 15, 2023. The Proposed Jury Charges were based upon Plaintiffs' claim of copyright infringement as reflected in Plaintiffs' Proposed Findings of Fact Nos. 1 and 2 in the Pretrial Order filed on March 15, 2023.

During the trial of this action, Plaintiffs' expert witness, Alexander Stewart, testified and completely changed the Plaintiffs' "selection and arrangement" claim from what was identified in Plaintiffs' Proposed Findings of Fact Nos. 1 and 2. Dr. Stewart jettisoned the key signatures of the two songs as the supposed third element of Plaintiffs' "selection and arrangement" claim and substituted in what he has labeled as certain "melodies" as a new third element.

Accordingly, Defendants have had to make corresponding changes to their Proposed Jury Charges to address Plaintiffs' newly revamped claim of copyright infringement.

To facilitate the Court's review of these Amended Proposed Jury Charges, Defendants are submitting a redline as **Exhibit A** and a clean copy as **Exhibit B**.

Dated: New York, New York
May 1, 2023

PRYOR CASHMAN LLP

By: /s/ Donald S. Zakarin

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